

# ALBANIA

## INTERNATIONAL INTELLECTUAL PROPERTY ALLIANCE (IIPA) 2014 SPECIAL 301 REPORT ON COPYRIGHT PROTECTION AND ENFORCEMENT

Several copyright industries, and in particular the software industry, are concerned about the weak overall enforcement in Albania<sup>1</sup>. The government has given very little priority, if any, to IPR enforcement, and has not allocated any significant resources to address piracy in the country. According to BSA | The Software Alliance (BSA), there were no criminal or administrative enforcement actions against enterprise end-user software piracy in 2013. Public awareness of the importance of IPR is extremely limited. Police, prosecutors and judges also exhibit an insufficient understanding of the investigation, prosecution and adjudication of copyright piracy. These factors all contribute to the persistently high software piracy rate in Albania, estimated at 75% in 2011, significantly higher than the regional average.<sup>2</sup>

Legislation to revise the Copyright Law has been stalled for almost three years. The amendments are intended to implement key European Union directives (such as the 2004 Enforcement Directive) and the Government of Albania's "Intellectual Property Rights Enforcement Strategy 2010-2015" which establishes a dedicated interagency organization to conduct IPR enforcement, the *ad hoc* IPR Inspection Agency.

IIPA recommends that the government enact amendments to the Criminal Code to improve enforcement. Provisions related to industrial property (patents and trademarks) were amended in 2012, but further amendments are required for copyright enforcement to, among other things, grant state prosecutors *ex officio* authority to prosecute copyright infringements. The government should also collaborate with rights holders to conduct public awareness campaigns to promote the economic benefits of establishing a legitimate market for copyright content that can only be accomplished by respect for IPR and effective enforcement.

### **PRIORITY ACTIONS REQUESTED IN 2014**

IIPA recommends that the Government of Albania urgently take the following steps:

- Enact the long stalled amendments to the Copyright Law.
- Enact amendments to the Criminal Code to provide, among other things, *ex officio* authority to prosecutors in order to prosecute copyright piracy.
- Establish the *ad hoc* IPR Inspection Agency and begin conducting enforcement operations against copyright piracy, including enterprise end-user software piracy.
- Conduct more training programs for police, prosecutors, and judges on IPR investigation and prosecution.
- Collaborate with rights holder to implement effective educational campaigns to improve public awareness of copyright laws and the importance of IPR protection to the economy. Such programs should also include outreach to enterprises to raise awareness on the risks of using unlicensed software.

<sup>1</sup>For more details on Albania's Special 301 history, see previous years' reports at <http://www.iipa.com/countryreports.html>. For the history of Albania's Special 301 placement, see <http://www.iipa.com/pdf/2014SPEC301HISTORICALCHART.pdf>. For a discussion of IIPA's 2014 Key Initiatives and Challenges, see IIPA, *2014 Special 301 Submission*, at <http://www.iipa.com/pdf/2014SPEC301COVERLETTER.pdf>.

<sup>2</sup>Data on software piracy rates and commercial values are taken from the 2011 BSA Global Software Piracy Study at [www.bsa.org/globalstudy](http://www.bsa.org/globalstudy). This study assesses piracy rates and the commercial value of unlicensed software installed on personal computers during 2011 in more than 100 markets. The study includes a detailed discussion of the methodology used. BSA plans to release an updated study in the second quarter of 2014.

